

# UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF MICHIGAN

In re:

Bette Eileen Olivares,

Debtor(s)

Case No. 20-03584

Chapter 13

Hon. John T. Gregg

Filed: December 2, 2020

## FIRST PRE-CONFIRMATION PLAN AMENDMENT

**HISTORY:**

- The Original Chapter 13 Plan was filed on 12/2/20 [DN6]

**PURPOSE:**

- This Plan Amendment amends Paragraph I.B.2. to increase the amount of the Liquidation Value of the Debtor's estate.
- This Plan Amendment amends Paragraph III.A. to increase the Debtor's Plan Payment.
- This Plan Amendment amends Paragraphs III.D. and IV.R.2. to include a lump sum payment to Debtor's Plan.
- This Plan Amendment amends Paragraph III.C.1.b. to alter treatment of Debtor's first mortgage with secured creditor Shellpoint Mortgage Servicing and update monthly payment and arrearage amounts for all secured debts related to Debtor's residence.
- This Plan Amendment amends Paragraph III.C.1.d. to alter treatment of Debtor's Condominium Association Dues.
- This Plan Amendment amends Paragraph III.E. to remove provisions for direct payment by Debtor of multiple obligations.

**This amendment affects the above referenced paragraphs only. All other provisions of the plan, as amended, remain unaffected by this amendment.**

|   |  |  |
|---|--|--|
| A limit on the amount of a secured claim, set out in Paragraph III.C.2.c and III.C.1.g., which may result in a partial payment or no payment at all to the secured creditor | <input type="checkbox"/> Included            | <input checked="" type="checkbox"/> Not included |
| Avoidance of a judicial lien or nonpossessory, nonpurchase-money security interest, set out in Paragraph IV.R.  | <input type="checkbox"/> Included            | <input checked="" type="checkbox"/> Not included |
| Nonstandard provisions, set out in Paragraph IV.R.  | <input checked="" type="checkbox"/> Included | <input type="checkbox"/> Not included            |

**I. PLAN PARAMETERS****B. LIQUIDATION ANALYSIS.**

2. The liquidation value of the estate as required by 11 U.S.C. § 1325(a)(4) is ~~\$54,113~~ **\$48,716.85**. This amount represents the calculation by the Debtor(s) of non-exempt equity in the case, minus priority unsecured claims and other allowable deductions.

**II. FUNDING**

- A. PLAN PAYMENT.** The Debtor(s) shall make payments in the amount of ~~\$1,575~~ **\$450** per ( ) week, ( ) bi-weekly, ( ) semi-monthly, (XX) month for the minimum of the ACP, subject to changes as set forth in paragraph II.B or II.C, below, or until further order of the Court.

- D. (XX) OTHER PLAN PAYMENT PROVISIONS.** Please see additional provisions under paragraph IV.R for additional funding information (e.g. lump sum payments through sale of real property).

**III. DISBURSEMENTS****C. SECURED CLAIMS.****1. Real Property:**

- b. Principal Residence Post-Petition Mortgage Payments and Prepetition Arrears:** The following is the street address and the tax ID parcel no. for the principal residence of the Debtor(s):

**Residence address and tax parcel ID no. 8656 Hathaway, Kalamazoo, Michigan #05-33-170-054**

| Creditor Name                    | Estimated Monthly Payment Amount <sup>i</sup> | Estimated Arrears <sup>ii</sup> | Taxes & Insurance Escrowed With Lender? Y/N | Trustee Pay Y/N |
|----------------------------------|---|---------------------------------|---|-----------------|
| #1 Shellpoint Mortgage Servicing | \$977.87 <del>\$967.00</del>                  | \$ 16,123.96 <del>\$0</del>     | Y   | Y <del>N</del>  |
| #2 Specialized Loan Servicing    | \$162.98 <del>\$157.00</del>                  | \$4,849.23 <del>\$4,000</del>   | N   | Y               |

( ) Mortgage principal and interest on one or more mortgages on the principal residence to be paid in full over life of plan under 11 U.S.C. § 1322(c)(2). Please see Provision IV.R.

- d. **Condominium Association Dues:** Unless otherwise stated, the Trustee will calculate the payments due from the first day of the month following the month of the petition date. If the creditor appears in this section it will be paid as a real property secured creditor, even if the creditor also appears in paragraph III.D dealing with executory contracts.

| Condominium Association Name and Address                   | Property Address                   | Estimated Monthly Payment Amount                    | Estimated Arrears <sup>iii</sup>          |
|--|------------------------------------|---|---|
| Stratford Hills Condo Assoc, PO Box 148, Oshtemo, MI 49077 | 8656 Hathaway, Kalamazoo, Michigan | \$300/annually <del>(paid directly by Debtor)</del> | \$6,100 (arrearage to be paid by Trustee) |
|  |                                    |   |   |

E. **DIRECT PAYMENT BY THE DEBTOR(S) OF THE FOLLOWING DEBTS.** All claims shall be paid by the Trustee unless listed herein:

| Creditor, Address & Account No.  | Collateral/Obligation   | Balance Owning        | Interest Rate  |
|--|---|-----------------------|----------------|
| <del>Shellpoint Mortgage Servicing, PO Box 10826 Greenville, SC 29603-#578826509</del> | <del>8656 Hathaway, Kalamazoo, Michigan (First Mortgage on Residence)</del>               | <del>\$99,820</del>   |                |
| <del>Stratford Hills Condo Association</del>   | <del>8656 Hathaway, Kalamazoo, Michigan (Homeowner's Association Dues on Residence)</del> | <del>\$300/Year</del> | <del>n/a</del> |

IV. **GENERAL PROVISIONS**

- R. **NONSTANDARD PROVISIONS.** Nonstandard provisions must be set forth below. A nonstandard provision is a provision not otherwise included in this Model Plan or deviating from it. Nonstandard provisions set out elsewhere in this Plan are ineffective and void. The following Plan provisions will be effective only if there is a check in the box "Included" in the Preamble.

1. **Escrow Provision for Administrative Claims:** The Trustee shall, if available after month payments on attorney fees and required secured claims, payments, escrow \$25.00 per month of the Debtor's plan payments to be reserved for payments of all allowed administrative expenses. Applications for administrative expenses not previously allowed or ordered will be filed at least 30 days before the time of the final audit or the 59<sup>th</sup> month of the plan, whichever comes first, in order to be paid from the escrowed funds. Failure to apply for the escrowed funds will result in distribution pursuant to the confirmed plan of escrowed funds on plan completion.

<sup>i</sup> The monthly payment amount is an estimate and the Trustee shall pay the monthly payment amount based on the proof of claim as filed. The Plan authorizes the Trustee to make post-petition regular mortgage or land contract payments prior to the proof of claim being filed. This provision does not preclude any party in interest from filing an objection to the claim.

<sup>ii</sup> The amount of prepetition arrears is an estimate and the Trustee shall pay the prepetition arrears based on the proof of claim as filed. Any claim filed for prepetition arrears shall be paid through the Plan over a reasonable period of time and pro-rata with other secured creditors without interest.

<sup>iii</sup> The amount of prepetition arrears is an estimate and the Trustee shall pay the prepetition arrears based on the proof of claim as filed. Any claim filed for prepetition arrears shall be paid through the Plan over a reasonable period of time and pro-rata with other secured creditors without interest. This provision does not preclude any party in interest from filing an objection to the claim.

**2. Debtor shall fund Debtor's Plan with a Lump Sum payment of \$21,000 no later than the 60<sup>th</sup> month of the Plan. Such payment will arise from either the sale of the home or the securing of a second mortgage on the home.**

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BY FILING THIS DOCUMENT, THE ATTORNEY FOR THE DEBTOR(S) OR DEBTOR(S) THEMSELVES, IF NOT REPRESENTED BY AN ATTORNEY, ALSO CERTIFY(IES) THAT THE WORDING AND ORDER OF THE PROVISIONS IN THIS CHAPTER 13 PLAN ARE IDENTICAL TO THOSE CONTAINED IN THE APPROVED MODEL PLAN PURSUANT TO LOCAL BANKRUPTCY RULE 3015(d) FOR THE WESTERN DISTRICT OF MICHIGAN BANKRUPTCY COURT, OTHER THAN ANY NONSTANDARD PROVISIONS INCLUDED IN PARAGRAPH IV.R.

Date: January 25, 2020

/s/Bette Eileen Olivares

Bette Eileen Olivares, Debtor

Date: January 25, 2020

/s/Aaron J. Kenyon

Aaron J. Kenyon (P67589), Counsel for the Debtor(s)

Robert W. Dietrich (P49704), Counsel for the Debtor(s)

|                 |            |           |                   |                         |
|-----------------|------------|-----------|-------------------|-------------------------|
| Olivares, Bette | Filed      | 12/2/2020 | District          | Western (Brett Rodgers) |
| 20-03584        | Claims Bar | 2/10/2021 | End Date          | 12/2/2025               |
| 12/22/2020      | Confirmed  |           | 1. Length of plan | 60 Months               |

Remaining length of plan 60 Months Current Payment  
Estimated dividend % to unsecured creditors 0.00% 450.00 Monthly

|            |          |         |         |    |           |
|------------|----------|---------|---------|----|-----------|
| 2. Debtor: | 1,575.00 | per pay | Monthly | 60 | 94,500.00 |
| 1/1/2011   | 0.00     | per pay | Monthly |    | 0.00      |
| 1/1/2011   | 0.00     | per pay | Monthly |    | 0.00      |

4. Lump Sum Payments: none 0.00  
Balance on hand (with Trustee) 21,000.00

5. Total to be paid into the Plan (total of line 2 through 4) 115,500.00

Plan is OVERFUNDED 2,067.62

Total to be paid into the plan 113,432.38 or 1,540.54 Monthly  
711.02 Bi-Weekly  
355.51 Weekly

6.a. Estimated trustee's fees 10.00% 11,343.24

Bankruptcy Court - Filing Fee 313.00

Estimated Attorney Fees & Costs

|                        |           |                |
|------------------------|-----------|----------------|
| 6.b. Pre-confirmation  |           | 2,751.95       |
| Pending Fee Apps.      |           | 0.00           |
| 6.c. Post-confirmation | 60 months | 25.00 1,500.00 |
|                        |           | 4,251.95       |

6.e. Total mortgage and other continuing secured debt payments

|                            |           |        |           |
|----------------------------|-----------|--------|-----------|
| Specialized Loan Servicing | 60 months | 162.98 | 9,778.80  |
| Shellpoint                 | 60 months | 977.87 | 58,672.20 |
| Stratford Hills Condo Ass  | 60 months | 25.00  | 1,500.00  |
|                            |           |        | 69,951.00 |

6.h. Total of arrearage claims

|                             |           |
|-----------------------------|-----------|
| Specialized Loan Servicing  | 4,849.23  |
| Stratford Hills Condo Assoc | 6,100.00  |
| Shellpoint                  | 16,123.96 |
|                             | 27,073.19 |

6.f. Total non-continuing secured debt payments (including interest)

|      |          |      |      |
|------|----------|------|------|
| none | 0 months | 0.00 | 0.00 |
| none | 0 months | 0.00 | 0.00 |
| none | 0 months | 0.00 | 0.00 |
|      |          |      | 0.00 |

6.g. Total priority claims 400.00

7. Total Disbursements other than to General Unsecured Creditors 113,332.38

|                                      |      |
|--------------------------------------|------|
| Taxes - unsecured                    | 0.00 |
| Lien stripped mortgages - unsecured  | 0.00 |
| Cram downs - unsecured               | 0.00 |
| General unsecured debts              | 0.00 |
| Total unsecured claims (if all file) | 0.00 |

8. Funds estimated to be available for General Unsecured Creditors 100.00